United States Department of the Interior
Bureau of Land Management
Elko Field Office
Elko, Nevada

WINTERS FIRE
EMERGENCY STABILIZATION AND REHABILITATION PLAN
FINDING OF NO SIGNIFICANT IMPACT AND DECISION RECORD
BLM/EK/PL-2006/026

The Winters Fire (C1FR) started on July 25, 2006 and was caused by lightning. The fire burned approximately 240,000 acres in Elko and Humboldt counties near Midas, Nevada, by the time it was contained on August 3, 2006. Approximately 207,200 acres are public lands administered by the BLM and 32,800 acres are private land. A National Interagency Burned Area Emergency Response (BAER) Team assessed the damage to BLM lands managed by the Elko and Winnemucca Field Offices and prepared the Winters Fire Emergency Stabilization (ES) Plan. To comply with the National Environmental Policy Act (NEPA), the BAER team also prepared the combined Winter Fire Emergency Stabilization and Rehabilitation Plan Environmental Assessment (EA). The damage assessment, plans, EA, and associated documents are available for inspection upon request to the BLM, Elko Field Office.

Finding of No Significant Impact

Based on the analysis of potential environmental impacts contained in the Winters Fire Emergency Stabilization and Rehabilitation Plan EA, I have determined that the proposed action will not have significant impacts on the human environment. Therefore, preparation of an environmental impact statement is not required prior to approving and implementing the proposed action.

Decision

It is my decision to implement the Winter Fire Emergency Stabilization and Rehabilitation Plan, as described in the EA and summarized below.

Drill Seeding

Drill seed approximately 21,628 acres to maintain ecological stability, minimize invasion of cheatgrass and noxious weeds, and stabilize areas identified as having high wind erosion hazard in order to minimize topsoil loss and fugitive dust. To maximize probability of success, seed will be applied concurrent with fall/winter moisture period between October and December 2006.

Dozer Line Seeding

The dozer lines will be seeded utilizing a broadcast and drag method. Broadcast seeding methods will be done utilizing either an ATV, pickup, or by hand. The dozer line will be dragged using a harrow or equivalent piece of equipment to provide full soil contact of the

seeded species, in order to increase the success of treatment. The dozer lines will be seeded with a mixture, such as bluebunch wheatgrass, western yarrow, and blue flax.

Aerial Seeding

Aerially seed approximately 3,553 acres to maintain ecological stability, minimize invasion of cheatgrass and noxious weeds, stabilize areas identified as having high wind erosion hazard in order to minimize topsoil loss and fugitive dust, and provide bank stabilization in burned riparian zones that are Lahontan Cutthroat Trout (LCT) occupied and recovery habitat. Aerial seeding will be completed on sites that are unsuitable for ground seeding due either to terrain, access or both. This seeding will be accomplished by aerial application of seed by rotor aircraft. This specification covers two types of aerial treatment: 1) 578 acres of riparian zones adjacent to LCT occupied or potential habitat, which will be applied in swaths of approximately 180 feet wide (90 feet on either side of the stream) and 2) 2,975 acres of seeding on upland sites. Seed will be applied aerially and, where possible, seed will be incorporated by 'dragging" in order to improve probability of success. To maximize probability of success, seed will be applied concurrent with fall/winter moisture period between October and December 2006, and incorporated where possible and appropriate.

Aerial Wildlife Habitat Broadcast Seeding

Aerially seed approximately 47,778 acres with Wyoming and basin big sagebrush, gray low sagebrush, and Western yarrow. Treatments will be completed aerially such as with use of a helicopter with seed broadcast bucket. The consideration of acreage seeded includes, 1) a buffer of 400 feet on the BLM maintained road ("IL Ranch to Squaw Valley") and two-tracks for potential vegetated fuel breaks separate from this EA, 2) private lands and 3) the estimated unburned areas within the perimeter. Note that seed availability is unknown to date with any future requests for seed collected during fall 2006 and approximately 450,000 acres of primarily public lands burned on the Elko District in 2006 as of August 16, 2006.

Antelope Bitterbrush Seeding/Seedling Planting

In the event that bitterbrush recruitment from seed or young to mature age class plant re-sprouting is not observed through monitoring by Spring 2008, all or portions of at least 2,600 acres will be considered for seeding or seedling plantings. Considerations include, but are not limited to, the Spanish Ranch Allotment from the vicinity of Scraper Springs east to Winters Creek and within the Squaw Valley Allotment from Frazer Creek east to Dry Creek and Walker Mountain. Methods considered for establishing bitterbrush include, but are not limited to, hand-seeding, mechanical (e.g. drill seeding or Hansen Seed Dribbler) seeding, and planting and protection of bare root stock or container stock. Seeding will be considered at equivalent of 3.0 Pure Live Seed pounds/acre equivalent. Protection fences will be considered for bitterbrush planting or seeding areas.

Quaking Aspen Protection and Management

Approximately four miles of free-standing steel rail fence, or three-strand barbed wire fence with bottom wire smooth, will be used to protect approximately 100 acres of fire-affected quaking aspen stands, as deemed necessary and as feasible. Post-fire livestock management will be implemented in a manner to help allow for sapling recruitment needed for recovery of stands.

Noxious Weed Detection and Treatment

Noxious weed treatment will provide for control of known nonnative weed infestations within the Winters Fire perimeter prior to seed-set and maturation. Control of these Nevada listed noxious weeds needs to be conducted or they will spread into non-infested areas of the burn. Integrated pest management techniques (herbicides, biological, mechanical, and cultural control methods) will be used as appropriate to prevent the spread and establishment of noxious weeds within the fire area. No cost was developed for possible hand grubbing of weeds since so few weeds will be treated in this manner, and grubbing will occur in association with spraying. Herbicides will be applied in conjunction with BLM policy, appropriate NEPA, and in strict accordance with an approved pesticide use proposal and the herbicide label. Appropriate buffer zones will be employed to protect special status species habitat, springs, riparian and other wetland habitats.

Conduct noxious weed detection surveys for possible invasion of noxious weeds on roads, hand lines, dozer lines, and other disturbed areas within the Winters Fire perimeter. Monitor existing noxious weed infestations within the burned area to determine if expansion is occurring into non-infested areas. An inventory will be conducted for noxious weeds near existing locations and in areas that have a high probability for invasion within the burned area.

Protective Fences

Reconstruct protective fences on approximately 14 miles burned by the Winters Fire. Burned fence materials, including wire, will be removed. Fences will be used to protect seeded areas or areas managed for natural recovery from livestock grazing. Fences are to be established on original fence line locations. Construct new fences to protect critical resources including listed and sensitive species habitats on the Winters Fire. An estimated 27 miles of fence (approximately 25 miles of conventional fencing and approximately 2 miles of pipe rail fencing) are necessary to allow for recovery of Lahontan Cutthroat Trout (LCT) and sensitive species habitats as well as burned aspen stands. All protective fences will tie into existing fences or natural barriers. Approximately 76 miles of fence repair and replacement is proposed as part of the Burned Area Rehabilitation plan, for fence lines impacted by the fire, but that are necessary for rangeland management.

Cultural Resources Post Fire Assessment, Inventory, Protection and Law Enforcement

Cultural resource protection will entail assessment of known National Register or potentially eligible prehistoric and historic archaeological sites for post-fire damage and potential risk from erosion, looting or vandalism. This treatment also provides for actions to protect easily accessible sites that are deemed to be highly sensitive to looting.

Cultural resource inventories will be conducted on areas proposed for ground disturbing stabilization treatment (fence construction, drill seeding, etc). These inventories will be conducted prior to implementation of the proposed ground disturbing stabilization and rehabilitation treatments in order to identify and avoid cultural resources needing protective measures.

Looting, site disturbance and vandalism are known to occur within the Winters Fire. Reduced ground cover, the result of the fire effects, has exposed cultural resources. Risks to cultural

resources from this exposure can be minimized by law enforcement patrols at selected sites and enforcement of closed areas. Law enforcement officers shall have authority to take action on artifact collectors, looters, and closure violations.

Native American Consultation

Pursuant to Section 106 of the National Historic Preservation Act, as amended, the American Indian Freedom of Religion Act, Executive Order 13007, and other similar Federal legislation, Federal Undertakings that may affect historic properties of religious significance require the lead Federal agency to consult with affected tribes as equal partners. Therefore, local tribes shall be consulted on emergency stabilization and rehabilitation treatments that may occur at, on, or near cultural and/or sacred sites of interest to them.

Wild Horse Gathering/Relocation

A total of 406 wild horses will be removed in four herd management areas (HMAs) that were burned in the Winters Fire. The HMAs included Owyhee (50 wild horse) Little Humboldt (86), Rock Creek (195 horses), Snowstorm Mountains (75). The Elko Field Office also plans to gather an additional 20 wild horses from Little Humboldt and 30 from Rock Creek, and relocate them to an HMA to be determined later. Approximately 20 Snowstorm Mountains horses of the 75 captured will remain in the unburned portion of the HMA.

Repair/Replace Signs

Three informational public safety signs were damaged as a result of the Winters Fire and need to be replaced. The signs contained information and directions for the public in remote areas.

Grazing Closure

Livestock will be removed from the burned area in order to allow the burned and seeded vegetation to successfully establish. Post-fire grazing management, including the period of time needed for closure, will be determined based on coordination, cooperation, and consultation with the interested public, monitoring, and achievement of site specific resource objectives.
The closure will occur for a minimum of two growing seasons or until establishment objectives are met, in order to provide an adequate amount of time to allow the seeded vegetation to establish and plant species not damaged by the wildfire to respond to natural revegetation. The burned area will be reopened to livestock grazing once the establishment objectives in any fire closure agreements/decisions have been met.

Monitoring

Areas within the Winters Fire burned from low soil burn severity to high, with considerable unburned islands creating a mosaic effect throughout the burned area. The BAER Team vegetation and watershed groups, in consultation with the range and natural resource staff of the Elko Field Office, will monitor vegetation treatments to stabilize soils, prevent the invasion of nonnative annual plant species, and treat known locations of noxious weeds This specification proposes reseeding monitoring for three years following treatment (2007–2009) to ascertain success of revegetation efforts. Utilize “Freqdens” techniques or similar methods for seeded areas, and production/site composition methods and/or density for areas managed for natural release. Consult with APHIS representatives on potential impacts to seedings from Mormon cricket epidemics. Monitor relic aspen stands and stream and riparian habitats for post fire

regeneration and impacts from grazing and wildlife. Establish monitoring transects within all seed areas and within areas managed for natural release in each plant association type reseeded in 2007.

Rationale

Implementation of the proposed action as described in the Emergency Stabilization and Rehabilitation Plan EA for the Winters Fire will protect soils in the burned area, including preventing potential loss of soil due to wind and water erosion; reduce potential invasion and establishment of noxious weeds and cheatgrass; provide quality forage for livestock and wildlife; and facilitate meeting established rangeland health standards in accordance with guidelines for livestock grazing.

Exclusion of livestock grazing is necessary to allow seedling establishment, restore plant vigor and seed production, and to allow reestablishment of preferred species and to deter invasion of undesirable species. The proposed fence will be constructed around the burn perimeter to keep grazing animals off the recovering burn to allow establishment of seeded and pre-fire vegetation species. This temporary fencing will be used in conjunction with existing fences to protect the burn area from grazing. This fencing and subsequent rest from grazing will allow for plants to re-establish and develop effective root depths and root reserves. Vegetation establishment will help reduce the risk of accelerated soil erosion and mud flows into perennial and intermittent streams that flow through the burned area and provide for soil stabilization. Vegetation associated with wetlands, riparian zones, and floodplains will be allowed to reestablish.

The broadcast seedings within drainages and low lying areas and aerial seeding on slopes will provide for soil stabilization and will reduce the potential invasion of cheatgrass, Canada thistle, musk thistle, hoary cress, knapweed, and other invasive weeds. The seedings will also provide cover and forage for area wildlife populations and nesting habitat for migratory birds. Successful seeding of some drainages and the low lying areas near the perennial and intermittent streams will help reduce runoff and trap sediment, which will help prevent further degradation to the water quality. Several of the streams affected by the Winters Fire support limited and isolated populations of Lahontan Cutthroat Trout, a federally listed threatened species, and California floater, a freshwater mussel and Nevada BLM sensitive species. Successful seeding of the drainages and low lying areas will also help protect these aquatic species' habitat from receiving excessive amounts of sediment and provide for streambank stabilization.

Control of noxious weeds is consistent with the management plans for the resource and will help protect the ecological integrity, biodiversity, and site productivity of this shrub-steppe plant community. Treatment of noxious weeds is necessary to comply with Nevada State Laws, to implement the Integrated Weed Management Program of the Elko Field Office, and to be responsible neighbors to the adjacent private landowners. Working cooperatively with local weed management groups and private landowners will achieve better weed management.

Relocation of wild horses from the Winters Fire must occur before the animals starve to death or significantly damage the remaining unburned islands of vegetation within the fire. Exclusion of wild horses may be critical for the recovery of burned vegetation or establishment and maintenance of new seedlings.

Replacement of the informational signs that provide directions for the public using the area for recreation may help prevent someone from getting lost or aid in search and rescue situations.

The proposed action conforms to the 1987 Elko Resource Management Plan (RMP), as it was amended for fire management on September 29, 2004. The decision from the Approved Fire Management Amendment, page 20, is to "Conduct fire rehabilitation activities to emulate historic or pre-fire ecosystem structure, functioning, diversity and/or to restore a healthy stable ecosystem." The proposed action is consistent with resource objectives of the plan and with other Federal, state, local and tribal laws, regulations, policies and plans to the maximum extent possible.

Approval and Implementation Date

This wildfire management decision is issued under 43 CFR 4190.1 and is effective immediately. Our decision to conduct an emergency gather of wild horses is also effective upon issuance of this decision, in accordance with 43 CFR 4470.3(c). The BLM has determined that vegetation, soil, and other resources are at immediate risk of erosion and other damage due to wildfire, and that removal of wild horses from the burned area is necessary to maintain a thriving natural ecological balance and multiple use relationship. Thus, notwithstanding the provisions of 43 CFR 5.21(a) (1), filing a notice of appeal under 43 CFR Part 4 does not automatically suspend the effect of this decision. The Interior Board of Land Appeals must decide an appeal of this decision within 60 days after all pleadings have been filed, and within 180 days after the appeal was filed (43 CFR 4.416).

Administrative Review or Appeal Procedures

Within 30 days of receipt of this decision, parties who are adversely affected and believe it is incorrect have the right to appeal to the Department of the Interior Board of Land Appeals, Office of the Secretary, in accordance with regulations at 43 CFR 4.4. Procedural information on "Taking Appeals to the Board of Land Appeals" can be obtained at the BLM, Elko Field Office. An appeal should be in writing and specify the reasons, clearly and concisely, as to why the decision is in error. A copy of the Statement of Reasons must also be supplied to this office. Also within 30 days of receipt of this decision, appellants have a right to file a petition for a stay (suspension) of the decision together with an appeal, in accordance with the regulations at 43 CFR 4.21. The appellant has the burden of proof to demonstrate that a stay should be granted.

/s/ August 28, 2006

HELEN HANKINS Date
Field Manager